

ARTICLE II: SUBDIVISION CODE ADMINISTRATION, INTERPRETATION AND ENFORCEMENT

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Chapter 18.050***Subdivision Code Administration***

18.050.010 Approving Authority

- A. The City Planning Commission of the City, as defined in Section 806 of the City's Charter and further defined in Title 2 of this Municipal Code, is designated as the advisory agency with respect to subdivisions as set forth in the Subdivision Map Act except as otherwise specifically delegated in this Title; and shall have all such powers and duties with respect to subdivision maps and all other related proceedings as are provided by law and this Title.
- B. The Zoning Administrator is hereby designated as the advisory agency for those proceedings authorized pursuant to Chapters [18.080.040 Tentative Parcel Maps](#), [18.100 Lot Line Adjustments, Consolidations and Mergers](#), [18.110 Parcel Map Waivers](#) and [18.120 Certificates of Compliance](#) of this Title.

18.050.020 City Engineer

The Office of City Engineer is hereby established. The Public Works Director or the authorized designee shall be the City Engineer and shall exercise the powers and duties as provided in this Code and any other applicable Codes or ordinances of the City.

18.050.030 City Surveyor

- A. The office of City Surveyor is hereby established. The City Surveyor shall be qualified and appointed pursuant to City personnel procedures and ordinance. The City Surveyor or the acting designee shall exercise the powers and duties as provided in this Title and any other applicable Codes or ordinances of the City.
- B. It shall be the general duty of the City Surveyor or designee to maintain and perpetuate survey monuments within the Public Rights of Way of the City, prepare, review and approve property descriptions involving acquisition or disposition of property interests by the City of Riverside, review and approve Subdivision Maps and Records of Surveys, conduct field surveys for the determination of boundaries, the location of improvements and the placement of fixed works, maintain the City land base mapping and to carry out the additional powers and duties imposed by ordinances of the City.

18.050.040 City Traffic Engineer

The office of City Traffic Engineer is established under [Section 10.08.030](#) of the this Municipal Code.

18.050.050 Building Official

The office of Building Official is established under [Section 16.08.020](#) of this Municipal Code.

18.050.060 Appeal Board

The City Council of Riverside, hereinafter referred to as the City Council, is designated the appeal board charged with the duty of hearing and making determinations upon appeals with respect to divisions of real property, the imposition of requirements or conditions thereon, or the kinds, nature and extent of the design or improvements, or both, recommended or decided by the City Planning Commission to be required. The City Planning Commission shall serve as the appeal board for decisions of the Zoning Administrator relative to this Title.

18.050.070 Subdivision Committee

A committee consisting of Planning Director, the Public Works Director, the Public Utilities Director, the Park and Recreation Director, the Fire Marshal, or designated representatives of each, and which may include one or more representatives of such other City and County departments, special district, State and other public or private agencies as may, in the judgment of the Planning Director, be affected by a proposed subdivision, formed for the purpose of reviewing and advising on subdivisions and maps in accordance with the provisions of this Title and of the Subdivision Map Act.

Chapter 18.060

Interpretation of Code

18.060.010 Purpose

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Subdivision Code and to ensure consistent interpretation and application of this Code.

18.060.020 Applicability and Authority for Interpretations

If ambiguity arises concerning the meaning or applicability of any provision of this Subdivision Code, the Zoning Administrator shall have the responsibility to review pertinent facts, determine the intent of the provision and to issue an administrative interpretation.

18.060.030 Rules and Interpretations**A. Terminology.**

When used in this Subdivision Code, the following rules apply to all provisions of the Subdivision Code:

1. *Language.* The words “shall,” “must,” “will,” “is to” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended and “may” is permissive.
2. *Tense.* The present tense includes the past and future tense and the future tense includes the present.
3. *Number.* The singular number includes the plural number and the plural the singular, unless the natural construction of the words indicates otherwise.
4. *Conjunction.* “And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either ...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to ...”.
5. *Local Reference.* “City” as used herein means the City of Riverside and all public officials, bodies and agencies referenced herein are those of the City unless otherwise stated.

B. Number of Days.

Whenever the number of days is specified in this Title, or in any permit, condition of approval, or notice issued or given as provided in this Title, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.

C. Minimum Requirements.

In interpreting and applying the provisions of this Title, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where this Title imposes a greater restriction upon the use of buildings or land or requires larger open spaces than are imposed or required by this Code or other Codes, rules, regulations or by easements, covenants or agreements, the provisions of this Title shall control.

D. Intent.

Whenever there is any question regarding the interpretation of the provisions of this Title or their application to any specific case or situation, the Zoning Administrator shall interpret the intent of this Title. The Zoning Administrator shall have the authority to forward to the City Planning Commission any question regarding interpretation.

18.060.040 Record of Interpretations

- A. Once the Zoning Administrator has identified the ambiguity and considered relevant information, an official interpretation of this Title shall be established in writing and shall cite the provisions being interpreted, together with an explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for interpretation.

- B. Any provision determined by the Zoning Administrator to be ambiguous pursuant to this Chapter shall be clarified by amendment as soon as is practical. The Zoning Administrator shall maintain a complete record of all official interpretations available for public review, indexed by the section number of this Title that is the subject of the interpretation, including all interpretations made by the City Planning Commission and City Council.

18.060.050 Appeals of Interpretations

Any aggrieved interested persons may appeal an interpretation of the regulations. Appeals shall be processed pursuant to [Chapter 18.170 Appeals](#).

Chapter 18.070***Enforcement***

18.070.010 Enforcement Authority

It shall be the duty of the City and all officers of the City to enforce this Subdivision Code. Any condition imposed as part of an approved subdivision case shall also be enforceable by the appropriate City officials.

18.070.020 Compliance

No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, or allow occupancy thereof, for which a final map or parcel map is required by this Title or the Subdivision Map Act, until said final map or parcel map in full compliance with this Title and the Subdivision Map Act has been filed for record with the Riverside County Recorder.

18.070.030 Penalties

Each violation of this Title and the Subdivision Map Act by a person who is the subdivider or an owner of record, at the time of the violation, of property involved in the violation shall be punishable by imprisonment in the county jail not exceeding one year or in the State prison, by a fine not exceeding ten thousand dollars (\$10,000), or by both that fine and imprisonment. Every other violation of this Title and the Subdivision Map Act is a misdemeanor (California Government Code §§ 66499.31).

18.070.040 Voidable Conveyances and Remedies

- A. Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division, in violation of the provisions of this Title, State Subdivision Map Act and/or of the provisions of local ordinances enacted pursuant to the Municipal Code, is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within one (1) year after the date of discovery of the violation of the provisions of this Title, the State Subdivision Map Act and/or of local ordinances enacted pursuant to the provisions of the Municipal Code, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.
- B. Any grantee, or his successor in interest, of real property which has been divided, or which has resulted from a division, in violation of the provisions of this Title, the State Subdivision Map Act and/or of local ordinances enacted pursuant thereto, may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of this Title, the State Subdivision Map Act and/or local ordinances enacted pursuant thereto and against any successors in interest who have actual or constructive knowledge of such division of property.

The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant [18.120 Certificates of Compliance](#) or identified in a recorded final map or parcel map, from and after the date of recording.

The provisions of this Title shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law (California Government Code §§ 66499.32).

- C. This Title does not bar any legal, equitable or summary remedy to which any aggrieved local agency or other public agency, or any person, firm, or corporation may otherwise be entitled, and any such local agency or other public agency, or such person, firm, or corporation may file a suit in the superior court of the county in which any real property attempted to be subdivided or sold, leased, or financed in violation of this Title, the State Subdivision Map Act and/or local ordinance enacted pursuant thereto is located, to restrain or enjoin any attempted or proposed subdivision or sale, lease, or financing in violation of this Title, Subdivision Map Act and/or local ordinance enacted pursuant thereto (California Government Code §§ 66499.33).

18.070.050 Permit or Approval

- A. No permit shall be issued or approval granted necessary to develop any real property which has been divided, or which has resulted from a division in violation of the Subdivision Map Act or this Title if it is determined that development of such real property is contrary to public health or the public safety. The

authority to deny such a permit or such approval shall apply whether the applicant was the owner of the real property at the time of such violation or whether the applicant is the current owner of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of said applicant's interest in such real property.

- B. If a permit or approval is granted, such additional conditions as would have been applicable to the division of the property at the time the current owner of record acquired the property may be imposed.

18.070.060 Notice of Violation

- A. Notice of Intention.

Upon determination that real property has been divided in violation of the provisions of the Subdivision Map Act or this Title and an application is not pending for a Certificate of Compliance pursuant to [Chapter 18.120 Certificates of Compliance](#), the Zoning Administrator shall cause to be mailed by certified mail to the then current owner of record of the property a notice of intention to record a notice of violation, describing the real property in detail, naming the owners, and stating that an opportunity will be given to the owner to present evidence. The notice shall specify a time, date and place for a meeting of the City Planning Commission at which the owner may present evidence to the City Planning Commission why the notice should not be recorded. The notice shall also contain a description of the violations and the explanation as to why the subject parcel is not lawful. The date set for the meeting before the City Planning Commission shall be no sooner than thirty (30) days and no later than sixty (60) days from the date of mailing of the notice of intention.

- B. City Planning Commission Meeting; Notice of Violation.

If at the scheduled hearing, the owner of the real property fails to object to recording the notice of violation, the City Planning Commission shall direct the recording of the notice of violation with the County Recorder. If, after the owner has presented evidence, it is determined that there has been no violation, the Zoning Administrator shall mail a clearance letter to the then current owner of record. If, however, after the owner has presented evidence, the City Planning Commission determines that the property has in fact been illegally divided, the City Planning Commission shall direct the recording of the notice of violation with the Riverside County Recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.

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